

**MINUTES
FREMONT CITY COUNCIL REGULAR MEETING
JUNE 9, 2009
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Councilmember Chan led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison, and Chan.

1.4 Announcements by Mayor/City Manager

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Wieckowski, seconded by Councilmember Harrison, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

- * **2.2 Approval of Minutes** – None.

- * **2.3 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider the Cancellation of a Development Agreement between Double Wood Golf Course, LLC and the City of Fremont**

On a motion by Councilmember Wieckowski, seconded by Councilmember Harrison, the City Council:

1. Held a public hearing.
2. Found the project exempt from the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment under CEQA Guideline 15061(b)(3).
3. Waived full reading and introduced an Ordinance for the cancellation of the Development Agreement between Double Wood Golf Course, LLC and the City of Fremont.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.4 Mayor Wasserman opened consideration of the Annual Delegation of Authority to City Treasurer to Manage Investments, and Annual Approval of Investment Policy**

On a motion by Councilmember Wieckowski, seconded by Councilmember Harrison, the City Council adopted Resolution No. 2009-30 delegating the City Council's authority to invest and reinvest public funds, and to sell or exchange securities so purchased, to the City Treasurer for one year or until earlier revoked by the City Council; and approved the City's investment policy statement, as amended, for FY 2009/10.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.5 Mayor Wasserman opened consideration of the Approval of Plans and Specifications, and Award of Contract to Lowest Responsible Bidder for 2009 Slurry Seal, 8240-B (PWC)**

On a motion by Councilmember Wieckowski, seconded by Councilmember Harrison, the City Council:

1. Approved the plans and specifications for 2009 Slurry Seal Project, 8240-B (PWC).
2. Accepted the bid and awarded the construction contract for 2009 Slurry Seal Project, 8240-B (PWC), to the lowest responsible bidder, Bond Blacktop, Inc., in the amount of \$906,017.70 and authorized the City Manager or designee to execute the contract.
3. Authorized transfer of appropriation of \$500,000 from Fund 526 (Proposition 42) PWC8666 (Niles Boulevard Roadway Improvement) to 526PWC8240.
4. Authorized transfer of appropriation of \$500,000 from Fund 508 (Measure B Local Street and Roads) PWC8195 (Citywide Cape Sealing) to 508PWC8666.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.6 Mayor Wasserman opened consideration of the Adoption of a Resolution Authorizing the City Manager to Execute an Agreement to Accept a Grant from the ACTIA Measure B Bicycle/Pedestrian Countywide Discretionary Program for the Irvington Area Pedestrian Improvement Project**

*Consent Items

On a motion by Councilmember Wieckowski, seconded by Councilmember Harrison, the City Council:

1. Adopted Resolution No. 2009-31 authorizing the City Manager or designee to accept \$342,000 of Measure B Bicycle/Pedestrian Countywide Discretionary Program funds from ACTIA to construct pedestrian improvements in the Irvington Area, and to execute any necessary implementing agreements.
2. Appropriated the grant funds received to 504PWC 8704, Irvington Area Pedestrian Improvements.
3. Appropriated \$58,000 from 509PWC8541, Citywide Bicycle and Pedestrian Projects to 509PWC 8704, Irvington Area Pedestrian Improvements as the City's local match.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.7 Mayor Wasserman opened consideration of the Authorization to Purchase Portable Radios**

On a motion by Councilmember Wieckowski, seconded by Councilmember Harrison, the City Council authorized the City Manager or designee to purchase 120 portable radios in the amount of \$420,899.82 by using an existing competitively-bid contract through the Alameda County Fire Department as part of the Assistance to Firefighters Grant and the Citywide Communication Upgrade Project.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.8 Mayor Wasserman opened consideration of a Continued Public Hearing (Published Notice) to Consider Recreation Commission Referral - Amendment to City of Fremont Master Fee Resolution to Update Certain Recreation Services Division Facility Use and Service Fees (continued from 6/2/09)**

On a motion by Councilmember Wieckowski, seconded by Councilmember Harrison, the City Council adopted Resolution No. 2009-32 amending the Master Fee Resolution to update existing fees for community center rentals, youth sports field rentals, and creating a Youth Partner fee category for youth sports field rentals, and approved incorporating the Lions picnic area and Kennedy picnic area into the current facility reservation system, effective July 1, 2009.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.9 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider Increases and Modifications to Human Services Department Fees for Youth and Family Services, Aging and Family Services, Paratransit Services, and Family Resource Center Services**

On a motion by Councilmember Wieckowski, seconded by Councilmember Harrison, the City Council held a public hearing and adopted Resolution No. 2009-33 to amend the Master Fee Schedule to update Youth and Family Services counseling fees, Family Resource Center family case management fees, Aging and Family Services (AFS) senior case management fees, and paratransit fees as recommended above.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.10 Mayor Wasserman opened consideration of a Public Hearing (Published and Posted Notice) to Conduct a Public Hearing on the Levy of Annual Assessments for Landscaping Assessment District 88; Adoption of a Resolution Confirming Diagrams and Assessments for District 88 for Fiscal Year 2009/10**

On a motion by Councilmember Wieckowski, seconded by Councilmember Harrison, the City Council:

1. Opened the public hearing for Levy of Annual Assessment for Existing Zones in District 88.
2. Considered all oral statements and written protests.
3. Closed the public hearing.
4. Levied the proposed assessment by adopting Resolution No. 2009-34 confirming Diagrams and Assessments for Fiscal Year 2009/2010 for Fremont Landscaping Assessment District 88 Zones 1-17, 19-21 and 23-47 (Exhibit B).

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

3.1 Proclamation: National Garden Week, June 7-13, 2009

*Consent Items

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

Lee Guio extended an invitation to Council and the community to attend the Wat Buddhanusorn Temple's 25th Anniversary dinner on June 20.

5. SCHEDULED ITEMS

5.1 Mayor Wasserman opened consideration of the Second Public Hearing (Published Notice, Hearing Continued from June 2, 2009) and Adoption of Fiscal Year 2009/10 Operating Budget and Appropriations Limit, and Revision to Reserve Policies

Mayor Wasserman continued the public hearing. There were no speakers. Mayor Wasserman closed the public hearing. Staff responded to questions from Councilmember.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council:

1. Held a public hearing on the operating budget and appropriations limit for FY 2009/10.
2. Adopted Resolution No. 2009-36 adopting the City of Fremont Operating Budget for FY 2009/10.
3. Adopted Resolution No. 2009-35 creating an appropriations limit of \$498,945,662 for FY 2009/10.
4. Adopted Resolution No. 2009-37 approving and adopting the General Fund reserve policy.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

5.2 Mayor Wasserman opened consideration of the Second Public Hearing and Consideration of Adoption of the FY 2009/10 - 2013/14 Capital Improvement Program (CIP)

Mayor Wasserman continued the public hearing. No were no speakers. Mayor Wasserman closed the public hearing.

On a motion by Councilmember Wieckowski, seconded by Councilmember Harrison, the City Council:

1. Held a public hearing on the five-year FY 2009/10 – 2013/14 Capital Improvement Program.
2. Adopted Resolution No. 2009-38 approving the FY 2009/10 – 2013/14 CIP, including the appropriation of the proposed funding amounts from the funding sources shown in the Fund Source and Use report for all five fiscal years, with specific allotments for FY

2009/10 to be made effective July 1, 2009, specific allotments for FY 2010/11 to be made effective July 1, 2010, and specific allotments for each ensuing fiscal year to be made effective July 1 of that fiscal year.

3. Approved (reaffirmed) the long-term capital debt policy as included in the FY 2009/10 – 2013/14 CIP.
4. Authorized the City Manager to adjust the timing of the specific allotments approved by the City Council. (This allows accelerating or deferring the timing of these funds in response to changed conditions, but does not change the total appropriations for any project.)
5. Authorized the City Manager to transfer appropriations and allotments of up to \$50,000 per project from the Capital Improvement Program Cost and Scope Contingency (PWC 8101) and the Emerging Project Reserve (PWC 7101) as necessary.
6. Authorized the transfer of the following funds:
 - a) General Plan Update - \$225,000 transfer in FY2009/10 from Fund 012 (Community Development Cost Center Fund Balance) to Capital Improvement Fund 501.
 - b) Historic Inventory - \$25,000 transfer in FY 2009/10 and \$25,000 transfer in FY 2010/11 of the five year plan from Fund 012 (Community Development Cost Center Fund Balance) to Capital Improvement Fund 501.
 - c) Address Assignment and Parcel Automation - \$200,000 transfer in FY2009/10 from Information Technology Systems Fund 620 to Capital Improvement Fund 501.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS

7.1 Mayor Wasserman opened consideration of the Approval of the Fiscal Year (FY) 2008/09 Signal Priority List and Allocate Funds Budgeted for Various Traffic Improvement Project for FY 2008/09 and FY 2009/10

On a motion by Councilmember Wieckowski, seconded by Vice Mayor Natarajan, the City Council:

1. Approved the FY 2008/09 Signal Priority List
2. Allocated \$905,000 (\$775,000 from FY 2008/09 and \$130,000 from FY 2009/10 once Council approves the current CIP scheduled for adoption on June 9, 2009) from PWC 7953 to the following projects:
 - a. \$285,000 of TIF funds to 531PWC8701 for Intersection Improvements at Stevenson Boulevard/Sundale Drive.

- b. \$310,000 of TIF funds to 531PWC8702 for Intersection Improvements at Stevenson Boulevard/Besco Drive.
- c. \$280,000 of TIF funds to 531PWC8703 for Intersection Improvements at Stevenson Boulevard/Davis Street.
- d. \$30,000 of TIF funds to 531PWC8458 for the FY 2010/11 signal priority list and traffic improvement program preparation.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan

Noes: None

Absent: None

Abstain: None

7.2 Mayor Wasserman opened consideration of the Award of Contract for Traffic Signal Maintenance and Repair, Fiscal Years 2009/10 through 2011/12

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council awarded a three-year contract (Fiscal Years 2009/10 through 2011/12) with the option to extend for up to two additional years to Republic ITS for a not to exceed value of \$1,200,000 for the initial three-year contract and authorized the City Manager or designee to execute the contract.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan

Noes: None

Absent: None

Abstain: None

7.3 Mayor Wasserman opened consideration of the Delegation of Authority to the City Manager to Approve Loans and Advances Between Certain City Funds Under Specified Terms and Conditions

Finance Director Harriet Commons introduced the item. Revenue and Treasury Manager Don Dorman provided further detail on the proposal. Staff responded to questions from Councilmembers.

On a motion by Councilmember Wieckowski, seconded by Councilmember Harrison, the City Council adopted Resolution No. 2009-39 authorizing the City Manager or designee to approve interfund loans and advances between specified funds in accordance with the terms and conditions specified in the resolution.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan

Noes: None

Absent: None

Abstain: None

7.4 Mayor Wasserman opened consideration of a Resolution to Require City Landscape Projects 10,000 square feet or Larger to Meet the Minimum Required Points on the Bay-Friendly Landscape Scorecard and to Encourage Certain Private Development Applicants to Meet 7 of the Bay-Friendly Scorecard Practices

Community Development Director Jill Keimach introduced the item. City Landscape Architect Roger Ravenstad provided an overview of the policy, the seven principles of Bay-Friendly Landscaping, scorecard requirement categories, and requirement practices for Fremont, and introduced the State Water Efficient Landscape Ordinance. Staff responded to questions from Councilmembers.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Wieckowski, the City Council adopted Resolution No. 2009-40 establishing bay friendly landscape requirements for civic improvement projects that include landscaped areas larger than 10,000 square feet and directed staff to work with applicants for all private development projects (except parcels to be developed as single family homes, but including subdivision common areas) to endeavor to achieve 7 of the bay-friendly practices.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

7.5 Mayor Wasserman opened consideration of the Authorization of Staff to Submit an Application to the Department of Energy for \$1,891,200 in Energy Efficiency and Conservation Block Grant Funding; Designate the Community Development Department as the Authorized Representative to Implement the Program; and Authorize the City Manager to Enter Into an Agreement With Stopwaste.org for the “Green Packages” Project

Policy and Special Projects Manager Dan Schoenholz provided an overview of the Energy Efficiency and Conservation Block Grant and highlighted the proposed projects. Staff responded to questions from Councilmembers.

On a motion by Councilmember Wieckowski, seconded by Councilmember Harrison, the City Council:

1. Authorized staff to submit an application to the Department of Energy for \$1,891,200, including the activities and amounts outlined in the staff report.
2. Authorized the Mayor to sign a letter designating the Community Development Department as the City’s Authorized Representative for implementation of the EECBG program.
3. Adopted Resolution No. 2009-41 authorizing the City Manager or designee to enter into an agreement and implementing documents with StopWaste.org for the Green Packages project, subject to receipt of EECBG funds.

4. If grant is awarded to the City, then Council approved the appropriation of funds to projects for \$1,891,200.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals

8.1.1 Mayor Wasserman opened consideration of Councilmember Wieckowski's Referral requesting the City Council to Direct Staff to Meet with the Math Science Nucleus to Explore Options Available within City Owned Buildings that could House a Children's Natural History Museum

Councilmember Wieckowski explained the reason for his referral. Councilmember Wieckowski and staff responded to questions of Councilmembers.

By consensus, the City Council:

1. Directed the City Manager and staff to meet with the Math Science Nucleus to explore options available within City owned buildings that could house a Children's Natural History Museum.
2. Directed staff to discuss the potential of a City and Math Science Nucleus collaboration to develop an initial five-year business plan for construction and operation, and report back to Council with potential locations and costs for developing the initial five-year study.
3. Directed staff to explore how this can be done without providing space to other non-profit agencies and return back to Council with a report.

8.2 Oral Reports on Meetings and Events – none.

- 9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 9:38 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor